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1 BEFORE THE CHIROPRACTIC PHYSICIANS'  
2 BOARD OF NEVADA3  
4  
5 In the Matter of ) AGREED SETTLEMENT OF  
6 JANE SALEM, D.C., ) DISCIPLINARY ACTION  
7 Respondent. ) AND ORDER8 COMES NOW the Chiropractic Physicians' Board of Nevada (hereinafter referred to as "the  
9 Board") by and through counsel, Nancy L. Wenzel, Deputy Attorney General and Jane Salem  
10 D.C. by and through counsel, Leo P. Flanagan, Esq. to enter into this Agreed Settlement providing  
11 for the settlement of disciplinary action. The parties hereby stipulate as follows:12 **BACKGROUND**13 1. The Board received and fully investigated a complaint against John J. Fernandez,  
14 D.C. alleging that he was performing chiropractic adjustments and manipulations on patients at Back  
15 to Life Chiropractic without a license to practice chiropractic in the State of Nevada in violation of  
16 NRS 634.105 and NAC 634.340.17 2. Dr. Salem was the only licensed chiropractor at Back to Life Chiropractic. The  
18 alleged conduct at issue, as provided in the complaint and examined in the Board's investigation,  
19 was. Dr. Salem did not notify the Board that Dr. Fernandez was working under her supervision as  
20 an applicant waiting to take the examination for licensure; Dr. Salem allowed Dr. Fernandez to  
21 perform chiropractic adjustments and manipulations on patients; Dr. Salem was no longer working  
22 on the premises and therefore was not directly supervising Dr. Fernandez.  
23 APPROVED  
24 3. As a result of its investigation, the Board filed a complaint against Dr. Salem for  
25 violations of NRS 634.105 and NRS 634.01A(12).26 4. Dr. Salem has agreed to enter into this Agreed Settlement as the way to resolve this  
27 matter.

ACCEPTANCE OF AGREEMENT BY BOARD

1           3 Dr. Salem understands this Agreed Settlement shall be presented to the Board with  
2 recommendation of approval by Board counsel at a meeting of the Board. It will not be submitted  
3 for Board consideration until after it has been agreed to and executed by Dr. Salem

4           2 Dr. Salem understands that the Board is free to accept or reject this Agreed  
5 Settlement. It shall not become effective until it has been approved by a majority of the Board and  
6 endorsed by a representative member of the Board. If rejected by the Board, this Agreed Settlement  
7 shall have no effect whatsoever and the Board will proceed as it deems appropriate.

8           3 In agreeing to submit this Agreed Settlement to the Board, Dr. Salem hereby agrees to  
9 waive any claim that members of the Board should be disqualified from sitting on a disciplinary  
10 hearing panel because of their review and approval or rejection of this Agreed Settlement.

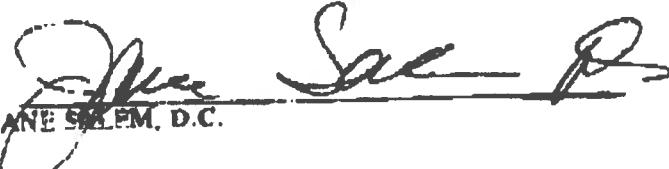
11          4. No inferences against Dr. Salem will be made from her willingness to enter into this  
12 Agreed Settlement at any disciplinary hearing or other lawful resolution of this matter if the Board  
13 does not accept this Agreed Settlement.

EFFECT OF COMPLETED AGREEMENT

14          The Agreed Settlement of Disciplinary Action and Order consists of five pages and  
15 embodies the entire agreement reached between the Board and Dr. Salem. It may not be altered,  
16 amended or modified without the express consent of the parties.

17          2. The Board shall retain jurisdiction in this case until all conditions have been met to the  
18 satisfaction of the Board.

19          21 DATED this 24<sup>th</sup> day of Sept., 1999.

20          23   
24 JANE SALEM, D.C.

1        3     The Board accepts Dr Saltm's acknowledgement and good faith compliance with all  
2 terms of this Settlement Agreement as a satisfactory resolution of this disciplinary action.

## JURISDICTION

4 Dr. Salem is, and at all times mentioned herein was, a licensed chiropractor (License  
5 No. R-215), and she acknowledges that the Board has jurisdiction over her and the conduct  
6 addressed in the complaint.

**ACKNOWLEDGMENT AND VOLUNTARY WAIVER OF RIGHTS**

8 I Dr. Salem is aware of, and fully understands, her right to have a hearing on the  
9 allegations set forth in the complaint, her rights to reconsideration, appeal, and all other rights which  
10 may be accorded by the Nevada Administrative Procedure Act, the Nevada Chiropractic Act and  
11 accompanying regulations, and the Federal and state constitutions.

12        2. Dr. Salem, with full advice of counsel, hereby freely, voluntarily and intelligently  
13 waives the rights enumerated above, and instead chooses to enter into this Agreed Settlement with  
14 the Board in accordance with NRS 733B.121(3).

15           3       However, Dr. Salem and the Board understand that if the Board does not accept this  
16 proposed Agreed Settlement as provided herein, the above waiver of rights is void and will have no  
17 effect whatsoever.

## **CONDITIONS OF AGREEMENT**

19. Dr. Solem agrees to be on probation for two years from the date of the Order of the  
20. Board adopting this Agreed Settlement.

21           2 Dr. Salem agrees to strictly adhere to NRS 634.303 and NAC 634.340 regarding the  
22 supervision requirements for an applicant waiting to take the examination

Dr. Salem agrees to reimburse the Board for its costs of investigating the complaint.

4 Any violation of this Agreed Settlement or NRS and NAC chapter 634 constitutes  
24 grounds for the Board to take appropriate disciplinary against Dr. Salem.  
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PAGE 04

DATED this 24 day of Sept 1999.

LEO P FLANGAS, ESQ.  
Attorney for Jane Salem, D.C.

w/ addendum  
included

DATED this 27th day of September 1999.

Nancy Wenzel

NANCY L. WENZEL, ESQ.  
Counsel to the Chiropractic Physicians' Board of Nevada

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## ORDER

2 By a majority vote on October 14, 1999, the Chiropractic Physicians' Board of Nevada  
3 approved and adopted the terms and conditions set forth in the attached Agreed Settlement of  
4 Disciplinary Action with Jane Salem, D.C.

**IT IS SO ORDERED**

Dated this 22 day of OCTOBER, 1999.

**CHIROPRACTIC PHYSICIANS' BOARD  
OF NEVADA**

By: Jeffrey D Andrews DC  
President

Addendum

9/24/89

To Nevada State Board Members:

I have signed this agreement, but do not fully agree with the parameters.

If indeed the hearing of 2/99 was also for me & the decision to put me on 2 yrs probation was made at that time, I have already done 7 months probation. I have felt every month of it as well. I believe probation should be from the date of hearing.

Dave Sellen Jr.